

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x	
UNITED STATES OF AMERICA,	:
	:
-v-	:
	:
	:
SIAVOSH HENAREH,	:
	:
Defendant.	:
	:
-----x	

11-cr-93 (JSR)

MEMORANDUM ORDER

JED S. RAKOFF, U.S.D.J.

In fall of 2020, Siavosh Henareh filed a pro se motion for a sentence reduction, ECF No. 142. This Court appointed an attorney to file a supplemental brief and argue the motion on Henareh's behalf. The Court granted Henareh's motion in part, finding that extraordinary and compelling reasons warranted a twelve-month reduction in Henareh's sentence and that such a reduction was consistent with the factors listed in 18 U.S.C. § 3553(a). The Court also found, however, that "releasing Henareh today would be totally inconsistent with the severity of his crimes." Opinion and Order, ECF No. 153, at 13 (January 13, 2021).

In spring of 2021, Henareh then moved for reconsideration of that Opinion and Order, reiterating his request for immediate release. Pro Se Motion for Reconsideration, ECF No. 155. The Court denied the motion for reconsideration, finding that nothing in the motion demonstrated a pertinent change in fact or law or otherwise calls into question the Court's prior conclusion regarding

extraordinary and compelling circumstances, and that Henareh offered no reason to doubt the Court's previous finding that immediate release would be inconsistent with the § 3553(a) factors. Memorandum Order, ECF No. 156, at 1-2.

Henareh has now filed a new motion for a sentence reduction. ECF No. 157. The one-page motion refers only to two cases that address sentence reductions under the First Step Act, erroneously asserting that the U.S. Supreme Court has granted certiorari. This is not correct -- while there are pending petitions for certiorari in these cases, the Supreme Court has not granted certiorari. Furthermore, it is not clear that the questions presented in those cases would impact this Court's reasoning in its previous orders.

Accordingly, the Court adheres to its prior determinations. The Court's January 13 Opinion and Order, ECF No. 153, and the Court's May 5, 2021 Memorandum Order, ECF No. 156, are incorporated by reference, and Henareh's new motion for a sentence reduction, ECF No. 157, is hereby denied as without merit.

SO ORDERED.

Dated: New York, NY
Jan 4, 2022


JED S. RAKOFF, U.S.D.J.